

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

JUN 23 2003

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte CYNTHIA S. BELL

Application No. 09/524,029

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 9, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on June 19, 2000 (Paper No. 2). It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellant as to why her submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, on page 2, section (10) of the Examiner's Answer, the examiner states that "[c]laims 1 and 21-22 are rejected under 35 U.S.C. 103. . . . Claim 8 is rejected under 35 U.S.C. 102," and further states that these rejections are set forth in prior Office Action, Paper No. 5. However, it is not

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clear from the record as to the status of the remaining claims on appeal, namely, claims 2-3, 5-7, 9-17 and 23. Furthermore, it is also unclear from the record as to whether the examiner still relies upon Toffolo, Chikazawa and Bowen as prior art since they are not listed in section (9) of the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

(1) consideration of the IDS filed on June 19, 2000 (Paper No. 2), and written notification to appellant of such consideration;

(2) clarification as to the status of the remaining claims on appeal, namely, claims 2-3, 5-7, 9-17 and 23.

(3) clarification as to whether the examiner still relies upon Toffolo, Chikazawa and Bowen as prior art, and notification to appellant as to the status of these references; and

(4) for such further action as may be appropriate.

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